

KABATECK BROWN KELLNER LLP
 BRIAN S. KABATECK, ESQ. / BAR #152054
 RICHARD L. KELLNER, ESQ. / BAR #171416
 644 South Figueroa Street
 Los Angeles, CA 90017
 Telephone: (213) 217-5000
 Facsimile: (213) 217-5010
 Email: bsk@kbklawyers.com

KHORRAMI POLLARD & ABIR LLP
 SHAWN KHORRAMI, ESQ. / BAR #180411
 DYLAN POLLARD, ESQ. / BAR #180306
 444 So. Flower Street, Thirty-Third Floor
 Los Angeles, CA 90071
 Telephone: (213) 596-6000
 Facsimile: (213) 596-6010
 Email: dpollard@kpalawyers.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)**

| | | |
|-------------------------------|---|-------------------------------|
| IN RE: BEXTRA AND CELEBREX |) | MDL CASE NO.: 05-CV-1699 |
| MARKETING SALES PRACTICES AND |) | |
| PRODUCT LIABILITY LITIGATION |) | |
| _____ |) | |
| ACQUAROLE, et al., |) | CASE NO. CGC-06-449463 |
| |) | MDL Case No. 06-2392 CRB |
| |) | |
| Plaintiffs, |) | STIPULATION AND ORDER OF |
| |) | DISMISSAL WITH PREJUDICE |
| vs. |) | AS TO PLAINTIFF KATHY KIRKMAN |
| |) | |
| PFIZER, INC., et al. |) | |
| |) | |
| Defendants. |) | |
| |) | |
| _____ |) | |

COME NOW, Plaintiff KATHY KIRKMAN and Defendants PFIZER, INC., et al., by
 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a).

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
 AS TO PLAINTIFF KATHY KIRKMAN**

Kabateck Brown Kellner, LLP
 644 South Figueroa Street,
 Los Angeles, California 90017
 (213) 217-5000
 FAX (213) 217-5010

1 and hereby stipulate to the dismissal of Plaintiff KATHY KIRKMAN from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

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4 Respectfully submitted,

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6 Dated: September 24 2009

KABATECK BROWN KELLNER LLP

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8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff KATHY KIRKMAN

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10
11 Dated: October 27, 2009

DLA PIPER LLP

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13 By: /s/

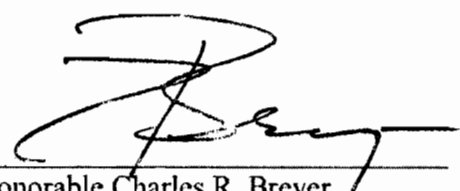
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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17 **ORDER**

18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

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21 Dated: OCT 29 2009


22 Honorable Charles R. Breyer
23 United States District Court
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